

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS D. MONTEJANO,

Defendant.

8:20CR7

ORDER

This matter is before the court on Defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS AND TO CONTINUE TRIAL [41]. The Court notes that a jury trial as to this defendant is set for March 1, 2021, before District Judge Robert F. Rossiter, Jr. For good cause shown, I find that the motion should be granted and Defendant's Motion to Suppress [38] filed out-of-time should be accepted. Accordingly,

IT IS ORDERED:

1. Defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS AND TO CONTINUE TRIAL [41] is granted.
2. Defendant's Motion to Suppress [38] filed out-of-time is accepted by the court. The government shall file its brief in response on or before February 26, 2021.
3. Defendant's jury trial scheduled for March 1, 2021, is cancelled, and shall be rescheduled upon disposition of the Motion to Suppress [38].
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between February 16, 2021, and disposition of the Motion to Suppress [38], shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because of the motion and defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(D), (7)(A) & (B)(i), (iv).

Dated this 22nd day of February, 2021.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge